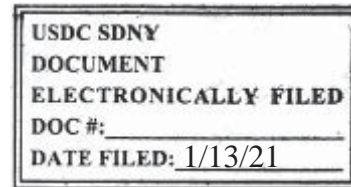


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Irving H. Picard.,

Plaintiff,

—v—

Sage Associates, *et al.*,

Defendants.

20-cv-10057 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

Before the Court is Defendants fully briefed Motion to Withdraw the Bankruptcy Reference. In their reply brief, Defendants raise for the first time the issue of whether withdrawal of the reference is mandatory under 28 U.S.C. § 157(a). Dkt. No. 9, 6-9. Plaintiff is invited to file a 10-page sur-reply addressing the issue of, and *only* the issue of, whether “substantial and material consideration of non-Bankruptcy Code federal statutes is necessary for the resolution of” this proceeding. *In re Ionosphere Clubs, Inc.*, 922 F.2d 984, 995 (2d Cir. 1990). Plaintiff may in the alternative file a letter stating his intent to rely only on his opposition brief. Plaintiff must file the sur-reply or letter by January 25, 2021.

SO ORDERED.

Dated: January 13, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan".

ALISON J. NATHAN
United States District Judge